

EXHIBIT F

DEPOSITION OF
JOSEPH DAVIDSON

VIA REMOTE VIDEO TECHNOLOGY

LOS ANGELES * SAN FRANCISCO * SAN DIEGO

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KOBEAY SWAFFORD, as an)
individual,)
Plaintiff,)
vs.)
Rentgrow, Inc., and DOES)
1-10 inclusive,)
Defendants.)

Civil Action No.
1:24-CV-10509-PBS

NON-CONFIDENTIAL REDACTED TRANSCRIPT

DEPOSITION OF
JOSEPH DAVIDSON

MONDAY, MARCH 3, 2025

10:05 A.M.

VIA REMOTE VIDEO TECHNOLOGY

1 four topics that are listed on page 5 of this document.

2 Do you see those topics?

3 A. I do.

4 Q. And are you prepared to testify to those
5 topics today on behalf of Cleara?

6 A. I am.

7 Q. Okay. Great.

8 Let me ask -- I want to understand a little
9 bit more about what Cleara does as a business and how it
10 operates. And what I thought would be helpful is to ask
11 you some high-level questions and then look at some of
12 the materials that Cleara publishes about itself. So
13 let me first understand a little bit more about Cleara.

14 For its business model, does Cleara obtain
15 records of public court proceedings? Is that a type of
16 information that Cleara gets?

17 MR. FOK: Objection. Form.

18 THE WITNESS: It is.

19 BY MR. ST. GEORGE:

20 Q. And does Cleara get records of newly filed
21 cases as well as updates to existing cases?

22 A. We do.

23 MR. FOK: Objection. Vague and ambiguous.

24 BY MR. ST. GEORGE:

25 Q. And is it Cleara's goal to get updates to

1 existing records when those updates are made available
2 by a government entity?

3 MR. FOK: Objection. Vague. Ambiguous.

4 THE WITNESS: It is.

5 BY MR. ST. GEORGE:

6 Q. And has Cleara developed policies and
7 procedures to try and ensure that the records it gets
8 are updated and as complete and up-to-date as possible?

9 MR. FOK: Objection. Vague and ambiguous.

10 THE WITNESS: We have the understanding that
11 updates are made through electronic bulk file access
12 made available by those sources.

13 BY MR. ST. GEORGE:

14 Q. Okay. So understood about the manner in which
15 those records are avail- -- made available, but can you
16 describe for me the policies and procedures and the
17 processes that Cleara does use to get records and
18 updates for records when they are made available?

19 MR. FOK: Objection. Vague and ambiguous.

20 THE WITNESS: Sure. At a high level --
21 because there are many sources, but at a high level, we
22 will work with the -- the providing agency, be it a
23 Department of Corrections or an administrative office of
24 the courts or what -- what have you. We will work with
25 them to identify what basis, what cadence, they are

1 willing to provide the data. The most common is
2 monthly. We will acquire the data as frequently as they
3 will make it available. We have policies and guidelines
4 around the quality control of that data. Policies
5 around loading the data and regression testing that
6 data, once it's been received and loaded, prior to
7 making it available to our clients.

8 Q. So data is obtained by Cleara and passes the
9 processes that you described, will that information --
10 that be loaded into Cleara's database?

11 A. It will be.

12 Q. And how many different sources -- again, a
13 rough estimate -- of information feed into Cleara's
14 database?

15 MR. FOK: Objection. Vague and ambiguous.

16 THE WITNESS: Roughly 1,500.

17 BY MR. ST. GEORGE:

18 Q. And has Cleara had to cultivate relationships
19 with those different sources of information in order to
20 acquire the information that goes into Cleara's
21 database?

22 A. Yes.

23 Q. And how long has Cleara been maintaining that
24 database that you're describing? The entire time that
25 it's been in operation?

1 A. Yes. Minus the first six months, in which we
2 were building the infrastructure.

3 Q. And what was happening during that six-month
4 period?

5 A. At a high level -- well, we were building the
6 infrastructure, which is setting up the technology,
7 setting up the servers in which the data was stored.

8 At the same time, we were working with
9 agencies, with -- with courts, with Departments of
10 Correction to obtain the data, build the normalization
11 routines. At -- at a high level, that's, you know,
12 ballpark what we were doing those first six months,
13 basically building the business.

14 Q. And do you have any estimate as to the number
15 of employee man-hours that you would say have gone into
16 building and maintaining that database?

17 A. Thousands over the seven years and -- and
18 multiple people. I would have to -- I -- I would have
19 to run some calculations, but definitely thousands of
20 hours.

21 Q. And how about the cost that Cleara has
22 extended in order to acquire the data that's in its
23 database, do you have any estimate of how much money it
24 would have taken Cleara to acquire that information?

25 MR. FOK: Objection. Vague and ambiguous.

1 Relevance.

2 THE WITNESS: So our average data expenditure,
3 which is not excluding headcount, this is simply the --
4 the -- the checks that we write to the Departments of
5 Correction, courts, the sources, is roughly half a
6 million dollars a year.

7 The first year because it was a start-up and
8 the files are larger and a lot of sources charge more
9 for startup data, we were looking at about 1.5 million.
10 So if you do the math, I would say roughly 5 million in
11 data expenditures. And then you've got the headcount,
12 which you're probably looking at another million dollars
13 a year in headcount dedicated to data. Not total
14 headcount, just the headcount that are dedicated to
15 data.

16 BY MR. ST. GEORGE:

17 Q. Now, I want to show just a couple examples of
18 some statements that Cleara publishes on its own website
19 and get your reaction to the statements.

20 So what I'm gonna have marked as Exhibit 2 is
21 the -- Cleara's home page.

22 (DEFENDANT'S Exhibit 2 was marked
23 for identification by the court
24 reporter and a copy is attached
25 hereto.)

1 BY MR. ST. GEORGE:

2 Q. All right. And so generally the process that
3 would have been applied to this record based on the
4 policies that you've described would've been some
5 combination of online research, calling the court clerk,
6 or sending a court runner?

7 A. Correct.

8 Q. And are you able to tell, or do you have
9 knowledge, from Cleara's records what specific process
10 was used in this instance to investigate Mr. Swafford's
11 dispute.

12 A. We -- we did a couple things. We definitely
13 triggered a phone call to Wayne County and, in addition
14 to that -- and -- and I -- I don't remember the order of
15 operations. We also pulled what is called a Michigan
16 iChat report. Don't ask me what iChat stands for,
17 criminal history something. But it's a state -- the
18 point is it is a Michigan State Police report and I
19 believe the official repository of Michigan's criminal
20 information. But I -- I don't want to say that I know
21 that for positive, but that's my understanding. We also
22 pulled one of those reports to -- to see what
23 information the state police maintain.

24 Q. And so your testimony on behalf of Cleara is
25 that one step would have been to call the Wayne County

1 court clerk in order to inquire about another claim
2 dismissal of the criminal records?

3 A. Yes, correct.

4 Q. And then another step would have been to go to
5 the Michigan State Police and their iChat records to
6 pull the record and see whether or not the Michigan
7 State Police record reflected any dismissal?

8 A. Correct.

9 Q. Okay. All right. And what was the outcome of
10 those investigation efforts by Cleara for Mr. Swafford?

11 A. There were some changes to the actual wording
12 of the offense descriptions, but both our call and our
13 iChat report did still show three charges. I'm --
14 I'm -- I'm pretty positive it was three charges in which
15 he was found guilty.

16 MR. ST. GEORGE: And let me show you
17 Exhibit 5. You mentioned an iChat record. So I'm
18 showing you what's been marked as Exhibit 5 an iChat
19 Internet Criminal History Access Tool from the Michigan
20 State Police.

21 (DEFENDANT'S Exhibit 5 was marked
22 for identification by the court
23 reporter and a copy is attached
24 hereto.)
25

1 the iChat report, so we were updating it to reflect
2 pretty much exactly what was found on that iChat report.

3 Q. And so in connection with its investigation of
4 the dispute, did Cleara see any indication that the
5 charges that were being disputed by Mr. Swafford had
6 been dismissed?

7 A. It did not.

8 Q. And to the contrary, did Cleara see in its
9 investigation evidence that Mr. Swafford had been
10 convicted by a jury with respect to each of the three
11 offenses that he was disputing?

12 A. Yes.

13 Q. And in connection with -- with disputes,
14 Mr. Davidson, sitting here today, are you aware of any
15 disputes coming out of records reported by the Michigan
16 DOC where someone was identified as having been
17 convicted of murder and where Cleara's research found
18 that that was inaccurate?

19 MS. CHESNEY: Objection to form.

20 You can answer.

21 THE WITNESS: No. I'm unaware of any such
22 case.

23 BY MR. ST. GEORGE:

24 Q. All right. So let me turn to the 2024
25 screening. And you testified earlier that RentGrow

1 submitted a search to Cleara about Mr. Swafford in 2024
2 and then Cleara identified certain records back to
3 RentGrow at that time as well; right?

4 A. Correct.

5 Q. Okay. And as of March 2024, was Cleara
6 obtaining records of criminal charges and convictions
7 from the Wayne County Circuit Court?

8 A. Yes.

9 Q. And do you know how often those records were
10 being provided to Cleara as of March 2024?

11 A. Monthly.

12 Q. And what was the process Cleara used for the
13 Wayne County Circuit Court records? Was it also a full
14 file replacement or was it something else?

15 A. No. Wayne County provides just what we call
16 an update file, and that update file consists of new
17 cases, changes to old cases.

18 Q. Okay. So what happens with -- in Cleara when
19 it gets an update file from the Wayne County Circuit
20 Court?

21 A. So unlike a full dump file where we do
22 red/green, since it's not doing a full replacement, we
23 will have a copy. So think of red/green now as being
24 identical, like, quite literally identical. We will
25 then apply the updates to the red, so new cases will be

1 written to that table, updates will be applied to those
2 records in which there was an update received. We will
3 do our regression testing, we will do additional
4 analysis, input analysis. And once it passes, again, it
5 will flip to green. And now the old data, the
6 un-updated data, will be red, and that will be
7 maintained for 90 days in a -- basically in a static
8 form and then purged.

9 Q. Okay. So based on the process that you
10 described, if an update to a record is provided by the
11 Wayne County Circuit Court, will that update be appended
12 to a case record by Cleara?

13 A. Yes.

14 Q. And at the time that Cleara is identifying
15 records to its customers that originated from the Wayne
16 County Circuit Court, is Cleara identifying the most
17 recent version of the record that has been identified by
18 the Wayne County Circuit Court at that time?

19 A. To be clear, we're not identifying records.
20 We are utilizing and applying the client's provided PII
21 as well as their matching logic, but if it matches all
22 of that, yes. We are pulling from the -- the green or
23 most updated data, yes.

24 Q. Based on your work and the processes that have
25 been applied to, or the processes, I should say, that

1 were applied to the Michigan DOC records, did Cleara
2 ever develop any concern that any data that it was
3 getting from the Michigan DOC was inaccurate or
4 outdated?

5 A. No.

6 Q. And based on the processes that Cleara has
7 been applying to the Wayne County Circuit Court
8 information, has Cleara ever developed any concerns that
9 the information coming from the Wayne County Circuit
10 Court is inaccurate or outdated?

11 MR. FOK: Objection. Vague and ambiguous.
12 Calls for expert opinion, legal conclusion.

13 BY MR. ST. GEORGE:

14 Q. And if the Wayne County Circuit Court had
15 identified a case as having been dismissed, would that
16 information have been loaded into Cleara's database for
17 that record?

18 A. Yes.

19 Q. Now --

20 MS. CHESNEY: And when you get to a -- a
21 natural breaking spot, would you mind if I just took a
22 moment?

23 MR. ST. GEORGE: Sure. I do not have very
24 much long -- longer left. Is five minutes okay for you?

25 MS. CHESNEY: Sure, that's fine. Thank you.